

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHAEL THOMAS DAVITT, )  
 )  
 Plaintiff, )  
 vs. )  
 )  
 DR. MITZER, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. 2:14-cv-01504-GMN-CWH

**ORDER**

This matter is before the court on Plaintiff Michael Thomas Davitt's ("plaintiff") Motion Regarding Service (doc. # 18), filed July 15, 2015, which this Court construes as a motion to amend the complaint and serve an unserved defendant.

Plaintiff is proceeding in forma pauperis in this case. To date, the U.S. Marshals Service ("USMS") has been unable to effectuate service of process based on information provided in the summons and plaintiff's USM-285 forms. The Court previously granted plaintiff additional time to effectuate service and directed plaintiff to submit new USM-285 forms so service could be accomplished in this case. See Doc. # 15.

Plaintiff now brings the instant motion asking the Court for assistance based on the USMS's letter informing plaintiff that a new summons must be issued that contains the correct spelling of Defendant Dr. Zinser's name. See Doc. # 18 at 5. This Court finds good cause to grant the instant motion.

Accordingly, **IT IS HEREBY ORDERED** that plaintiff's Motion Regarding Service (doc. # 18), which this Court construes as a motion to amend the complaint and serve an unserved defendant, is **granted**.

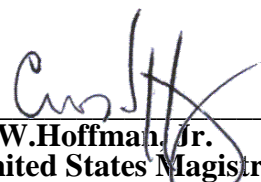
1           **IT IS FURTHER ORDERED** that the Clerk of Court shall update the record to reflect the named  
2 Defendant as “Dr. Zinser” and not “Dr. Mitzer.”

3           **IT IS FURTHER ORDERED** that the Clerk of Court shall issue summons to Dr. Zinser and shall  
4 deliver the summons, a copy of the complaint (doc. # 4), and a copy of this order to the USMS for service  
5 on Dr. Zinser and file a return with the Court.

6           **IT IS FURTHER ORDERED** that within twenty-one days after receiving from the U.S. Marshal  
7 a copy of the Form USM-285, showing whether service has been accomplished, plaintiff shall file a notice  
8 with the Court identifying whether defendant was served. If plaintiff wishes to have service again  
9 attempted on the unserved defendant, a motion must be filed with the Court identifying the unserved  
10 defendant and specifying a more detailed name and/or address for said defendant, or whether some other  
11 manner of service should be attempted.

12           **IT IS FURTHER ORDERED** that from this point forward, plaintiff shall serve upon defendant,  
13 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading motion or  
14 other document submitted for consideration by the Court. Plaintiff shall include with the original papers  
15 submitted for filing a certificate stating the date that a true and correct copy of the document was mailed  
16 to the defendant or counsel for the defendant. The Court may disregard any paper received by a District  
17 Judge or Magistrate Judge which has not been filed with the Clerk, and any paper received by a District  
18 Judge, Magistrate Judge, or the Clerk which fails to include a certificate of service.

19           Dated: July 17, 2015

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23           C.W.Hoffman, Jr.  
24           United States Magistrate Judge  
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